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CH23 23 .2 - Sewer Use Ordinance Amendment

Amendments and Repeals

Sections of this ordinance have since been Amended By - [2-2018](#)

The Board of Trustees of the Town of Lapel, Indiana enters into a contract with the Public Service Company of Indiana, Inc. for electric energy for power and light for operating a municipal WATER PUMPING AND SEWAGE DISPOSAL system. (Ord 4 1984, passed 7/25/84)

ORDINANCE NO. 22-1978 PROVIDED:

"An ordinance establishing a schedule of rates and charges to

be collected by the Town of Lapel from the owners of property served by the sewage works of said Town and other matters connected therewith.

WHEREAS, the Board . . . has heretofore approved plans, specifications and estimates and determined to establish, construct, equip, own, operate and maintain the sewage works provided for therein, and a sewage treatment plant under and pursuant to Chapter 284 of the Acts of the General Assembly of the State of Indiana for the year 1967, [IND. CODE [36-9-22-2](#)] and all acts supplemental thereto, and

WHEREAS, the Town is the recipient of a grant from the U.S. Environmental Protection Agency and the State of Indiana; and

WHEREAS, the Town will sell revenue bonds to fund that portion of the cost of the sewage works not covered by grants; and

WHEREAS, it is necessary to establish a schedule of rates and charges to produce sufficient revenue to pay expenses of maintenance and operation to pay the principal and interest on outstanding revenue bonds, and to

provide funds for necessary replacements and improvements to the sewage works, all in a manner in accordance with guidelines of the U.S. Environmental Protection Agency; now therefore

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LAPEL, INDIANA:

ORDINANCE NO. 5-1978 PROVIDED:

"An ordinance providing for the establishment of an industrial cost recovery system, to recover from industrial users of the sewage treatment plant that portion of the federal grant, allocable to industrial users, for the construction of the Lapel Municipal Sewage Treatment Plant.

WHEREAS, the Town . . . has received a federal grant for the construction of waste treatment facilities which is identified by the U.S. Environmental Protection Agency as Project Number C-180556; and

WHEREAS, in order to comply with special grant conditions under Public Law 92-500, [33 U.S.C. 1251 et. seq.] which requires the Town to recover from industrial users of the waste treatment facilities, that portion of the grant amount allocable to the treatment of industrial wastes; and

WHEREAS, the Town must establish a system of industrial cost recovery based upon federal guidelines; now therefore,

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LAPEL, INDIANA:

A. General Provisions

1. Purpose and Policy. This ordinance sets forth uniform requirements for users of the Lapel Wastewater Department Publicly Owned Treatment Works (POTW) for the Town of Lapel, Indiana, and enables the Town to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). This ordinance shall apply to all users of the Lapel POTW. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

The objectives of this ordinance are:

- a. To prevent the introduction of pollutants into the Lapel POTW that will interfere with its operation;
- b. To prevent the introduction of pollutants into the Lapel POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;

- c. To protect both Lapel POTW personnel who may be affected by wastewater sludge in the course of their employment and the general public;
- d. To promote reuse and recycling of industrial wastewater and sludge from the Lapel POTW;
- e. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Lapel POTW; and
- f. To enable Lapel POTW to comply with its National Pollutant Discharge Elimination System Permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Lapel POTW is subject.

2. Administration. Except as otherwise provided herein, the Lapel Wastewater Department Superintendent shall administer, implement and enforce the provisions of this ordinance. Any powers granted to our duties imposed upon the Wastewater Superintendent may be delegated by him to other Lapel Wastewater Department personnel.

B. Definitions

1. "Act or the Act" shall mean the Federal Water Pollution Control Act, (PL 92-500) also known as the Clean Water Act of 1977, as amended, 33 U.S.C 1251, et seq. (95-217); as well as any guidelines, limitations and standards promulgated by the Environmental Protection Agency pursuant to the Act.
2. "Amounts for reconstruction and expansion" shall mean those amounts which represent a minimum of Eighty percent (80%) of the amount retained by the Town, together with interest earned thereon. These amounts shall be used solely for reconstruction and expansion of waste treatment facilities which must be approved by the U.S. Environmental Protection Agency. The remaining Twenty percent (20%) of retained amounts may be used at the discretion of the Town.
3. "Applicable Pretreatment Standard" shall mean any pretreatment limit or prohibitive standard (federal and/or local) contained in this ordinance deemed to be the most restrictive which non-domestic users will be required to comply with.
4. "Approved Authority" shall mean the Indiana Department of Environmental Management.
5. "Authorized Representative of the User" shall mean the following:
 - a. if the user is a corporation then the president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation.
 - b. if the user is a partnership or sole proprietorship then the general partner or proprietor, respectively.
 - c. if the user is a Federal, State or local governmental facility then a directory or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - d. if the Superintendent of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility by having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure the long-term environmental compliance with environmental laws and regulations; can ensure that necessary systems are established or actions taken to gather complete and

accurate information for individual wastewater permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- e. if the individuals described in paragraphs 1 through 4, above may, designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Board of Trustees of the Town of Lapel.
6. "Average Monthly Discharge Limitation" shall mean the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
7. "Best Management Practices or BMPs" shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
8. "Biochemical oxygen demand" (BOD) shall mean the quantity of oxygen expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees centigrade (20degrees C).
9. "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three (3) feet outside the building wall.
10. "Building drain - sanitary" -- A building drain which conveys sanitary or industrial sewage only.
11. "Building drain - storm " -- A building drain which conveys storm water or other clearwater drainage, but no wastewater.
12. "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, and is identical to a house connection.
13. "Building sewer - sanitary" -- A building sewer which conveys sanitary or industrial sewage only.
14. "Building sewer - storm" -- A building sewer which conveys stormwater or other clearwater drainage, but no sanitary or industrial sewage.
15. "Categorical Industrial User" - An industrial User subject to a categorical pretreatment standard or categorical Standard.
16. "Categorical Pretreatment Standard or Categorical Standard" - Any federal regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
17. "Chemical Oxygen Demand" or (COD) of sewage, sewage effluent, polluted waters, or industrial wastes is a measure of the oxygen equivalent of that portions of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in 40 CFR 136.

18. "Collector sewer" shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.
19. "Combined sewage" shall mean wastes including sanitary sewage, industrial sewage, stormwater, infiltration and inflow carried to the water system facilities by a combined sewer.
20. "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
21. "Commercial User" shall mean any establishment listed in the Office of Management Budget's Standard Industrial Classification Manual, 1972 edition, as amended.
22. "Compatible pollutant" shall mean biochemical oxygen demand, suspended solids, ph, and decal coliform bacteria, plus additional pollutants identified in the NPDES Permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of eighty (80) percent or greater. Minor incidental removals in the order of ten (10) to thirty (30) percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include:
 - a. chemical oxygen demand,
 - b. total organic carbon,
 - c. phosphorus and phosphorus compounds,
 - d. nitrogen and nitrogen compounds, and
 - e. fats, oils, and greases of animal or vegetable origin, except as prohibited where these materials would interfere with the operation of the treatment works.
23. "Composite Sample" shall contain a minimum of eight discrete samples taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period. More than the minimum number of discrete samples will be required where the wastewater loading is highly variable.
24. "Control Authority" shall mean the Commissioner of the Indiana Department of Environmental Management.
25. "Daily Discharge" shall mean the discharge of a pollutant "measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling."
26. "Debt service costs" shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt.
27. "Domestic Sewage" shall mean Wastewater from typical residential users and having pollutant characteristics of not greater than 250 mg/L BOD and 250mg/L TSS.
28. "E.coli" shall mean any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.
29. "Easement" shall mean an acquired legal right for the specific use of land owned by others.
30. "Effluent" shall mean Water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle, or outlet.
31. "Environmental Protection Agency" or EPA shall mean the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

32. "Excessive strength surcharges" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage".
33. "Existing Source" shall mean any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
34. "Fecal coliform" shall mean any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewer is an indicator of pollution.
35. "Federal Act" shall mean the Federal Water Pollution Control Act, PL 92-500, any amendments thereto; as well as any guidelines, limitations, and standard promulgated by the Environmental Protection Agency pursuant to the act.
36. "Federal grant amounts" shall mean that portion of the total construction costs for Project Number c-180556 which was sponsored by the U.S. Environmental Protection Agency.
37. "Floatable oil" shall mean oil, fat, or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Town.
38. "Force main" shall mean a pipe in which wastewater is carried under pressure.
39. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
40. "General prohibitions" No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
41. "Governmental Use" shall mean any Federal, State, or local governmental user of the waste water treatment works.
42. "Grab Sample" shall mean a random sample which is taken from a waste stream without regard to the flow in the waste stream or time of day and over a period of time not to exceed fifteen (15) minutes.
43. "Grease and Oil" shall mean a group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils or any other material that is extracted by a solvent from an acidified sample and that is not volatilized during the laboratory test procedures. Greases and oils are defined by the method of their determination in accordance with 40 CFR 136.
44. "Ground (Shredded) Garbage" shall mean garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in the sewage system, with no particle being greater than one-half (1/2) inch in dimension.
45. "Holding Tank Waste" shall mean any waste from holding tanks, such as chemical toilets, campers, trailers, septic tanks, vacuum pump trucks, etc.
46. "Incompatible pollutant" shall mean any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.
47. "Industrial Classification Manual" (1972 Edition) involved in a commercial enterprise, business or service which, based on a determination by the Town, discharges primary segregated domestic wastes or wastes from sanitary conveniences.

48. "Industrial sewage" shall mean a combination of liquid and water carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment. This shall include the wastes from pretreatment facilities and polluted cooling water.
49. "Industrial user" shall mean any non-governmental, non-residential user of the Town's sewage works which discharges more than the equivalent of Twenty Five Thousand (25,000) gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972.
- Office of Management and Budget, as amended and supplemented under one of the following divisions:
 - Division A - Agriculture, Forestry and Fishing
 - Division B - Mining
 - Division D - Manufacturing
 - Division E - Transportation, Communications, Electric, Gas and Sanitary
 - Division I - Services
50. "Industrial Waste Permit" shall mean a permit to deposit or discharge non-domestic waste into any sanitary sewer as issued by the POTW.
51. "Industrial wastes" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.
52. "Infiltration" shall mean the water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include and is distinguished from inflow.
53. "Infiltration/Inflow" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
54. "Inflow" shall mean the water discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, and combined sewers, catch basins, storm waters, surface run-off, street wash waters or drainage. Inflow does not include, and is distinguished from, infiltration.
55. "Influent" shall mean the water, together with any wastes that may be present, flowing into a drain, sewer, receptacle, or outlet.
56. "Inspector" shall mean the person or persons duly authorized by the Board to inspect and approve the installation of building sewers and their connection to the public sewer system.
57. "Instantaneous Maximum Allowable Discharge Limit" shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
58. "Institutional User" shall mean any establishment listed in the "SICM" involved in a social, charitable, religious, and/or educational function which, based on a determination by the Town, discharges primarily segregated domestic wastes from sanitary conveniences.

59. "Interceptor sewer" shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.
60. "Interference" shall mean the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the Town's NPDES Permit and as defined in 40 CFR 403, January 28, 1981, Federal Register 403.3(i). The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWFA) applicable to the method of disposal or use employed by the POTW.
61. "Local Limit" shall mean the specific discharge limits developed and enforced by [the Town] upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
62. "Maximum Daily Discharge Limitations" shall mean the highest allowable daily discharge.
63. "Medical Waste" shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
64. "Monthly Average" shall mean the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
65. "Monthly Average Limit" shall mean the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during that month.
66. "Natural outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
67. "New Source" shall mean:
- a. any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) (33 U.S.C 1317) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that the building, structure, facility, or installation is constructed at a site at which no other source is located; the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or the production or wastewater generating processes of the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or the production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
 - b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or

installation meeting the criteria of Section (a) above but otherwise alters, replaces, or adds to existing process or production equipment.

- c. Construction of a new source as defined under this paragraph has commenced if the owner or operator has begun, or caused to begin, as part of a continuous onsite construction program any placement, assembly, or installation of facilities or equipment; significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
68. "Noncontact Cooling Water" shall mean water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
69. "Non-Significant Industrial User" (formerly "Minor Contributor") shall mean a non-major contributor that:
- a. has potential for discharging pollutants that could violate specific local limits
 - b. has potential for accidental spill or slug discharges of pollutants to the sewage system.
70. "Non-industrial users" shall mean any user of the Town's sewage works not included in the definition of Industrial User.
71. "Normal domestic sewage" for the purpose of determining surcharges shall mean wastewater or sewage having an average daily concentration as follows:
- BOD not more than 200 mg/1
 - TSS not more than 250 mg/1
 - As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from wastes from industrial processes.
72. "Normal domestic wastes" shall mean wastes which do not exceed 200 milligrams per liter of fluid and Total Suspended Solids not more than 250 milligrams per liter of fluid.
73. "NPDES Permit" shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to 33 U.S.C. 1251, seq., as amended.
74. "Nuisance" shall mean anything which is injurious to health or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property.
75. "Operation and maintenance costs" include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirements. These costs include replacement.
76. "other service charges" shall mean tap charges, connection charges, area charges, and other identifiable charges, other than User Charges, debt service charges and excessive strength surcharges.

77. "Pass Through" shall mean the discharge of pollutants by an industrial user through the Lapel POTW into navigable waters in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation) and as defined in 40 CFR 403, Part 403.3(n).
78. "Payment to U.S. Treasury" shall mean that portion of the recovered amounts that must be returned to the United States Treasury on an annual basis. The annual payments to the United States Treasury shall amount to Fifty (50) percent of the annual recovered amounts, together with interest earned thereon.
79. "Person" shall mean Any and all persons, natural or artificial, including any individual, firm, company, municipal, or private corporation, partnership, co-partnership, join-stock company, trust, estate, association, society, institution, enterprise, governmental agency, the State of Indiana, the United States of America, or other entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
80. "pH" shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.
81. "Pollutant" shall mean dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discard equipment, rock, sand, cellar dirt, municipal, agricultural and industry wastes, and certain characteristics of wastewater (e.g pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
82. "Pollution" shall mean an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects such waters for beneficial uses or facilities which serve such beneficial uses. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
83. "POTW Treatment Plant" shall mean that portion of the Lapel Wastewater Treatment Plant designed to provide treatment to wastewater.
84. "Premises" shall mean a parcel of real estate including any single improvements thereon which is determined by the Lapel Wastewater Department to be a single user for purposes of receiving, using, and paying for service. Any additional improvement on the same parcel of real estate which is determined by the Town of Lapel to be a user shall be separately connected to the sewerage system for the purposes of receiving, using and paying for service.
85. "Pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Lapel POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes, or by other means, except as prohibited by 40 CFR Section 403.6(d); and shall include all applicable rules and regulations contained in the Code of Federal Regulations as published in the Federal Register, under Section 307 of Public Law 950217, under regulation 40 CFR Part 403 pursuant to the Act, and amendments.

86. "Pretreatment Requirements" shall mean any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard, imposed on an industrial user.
87. "Pretreatment Standards or Standards" shall mean prohibited discharge standards, categorical pretreatment standards, and pollutant limits.
88. "Prohibited Discharge Standards or Prohibited Discharges" shall mean absolute prohibitions against the discharge of certain substances; these prohibitions in this ordinance.
89. "Proper Operation and Maintenance" shall mean the procedures executed in a prudent, cost-effective, and workmanlike manner which achieve the highest and/or required effluent quality of industrial discharge attainable in conformance with the best available technology and practices. Proper operation and maintenance requirements include avoidance of operational error, adherence to manual instructions, preventative maintenance, avoidance of careless or improper operation, neat accurate sampling, analysis, and records retention; storage of process chemical, lubricants, solvents, etc., in a safe and organized manner, avoidance of accidental spillage, keeping operating logs, and any other activities which produce the desired effluent quality.
90. "Private sewer" shall mean a sewer which is not owned by a public authority.
91. "Project Number C-180556" is defined as a separate and distinct construction project for construction of the Town Municipal Sewage Works which was sponsored by the U.S. Environmental Protection Agency under the provisions of 33 U.S.C. 1251, et seq., as amended. This project does not include past or future construction, equipment or other services not included under the specific project number and the approved plans, specifications and approved change orders for the project which are available for inspection in the Town Hall, and are incorporated herein by reference.
92. "Public Sewer" shall mean a sewer which is owned and controlled by the public authority consisting of a collector sewer, interceptor sewer, force main and pumping station.
93. "Publicly Owned Treatment Works" or POTW shall mean "treatment works", as defined by Section 212 of the Act (33 U.S.C 1292) which is owned by the Town of Lapel. This definition includes any sewers that convey wastewater to the Lapel POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Town who are, by contract or agreement with Lapel, users of the Lapel POTW. Also known as sewage works.
94. "Pumping station" shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.
95. "Receiving Stream" shall mean the watercourse, stream, or body of water receiving the waters finally discharged from the wastewater treatment plant.
96. "Recovered amounts" shall mean the annual payments from industrial users for their share of the federal grant allocable to the cost of treating industrial waste, which is determined by dividing the amount of the total federal grant, allocable to the treatment of industrial waste, by the recovery period.
97. "Recovery period" shall mean the industrial cost recovery period, which is hereby defined as a period of thirty (30) years.

98. "Replacement costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
99. "Residential User" shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.
100. "Retained amount" shall mean that portion of the recovered amounts retained by the Town. The retained amounts shall be equal to Fifty percent (50%) of the recovered amounts, together with interest earned thereon.
101. "Sanitary sewage" or "Sewage" shall mean human excrement and gray water. The discharge from sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions; free from storm and surface water and industrial wastes.
102. "Sanitary sewer" shall mean a sewer which carries sanitary and industrial wastes, and to which storm, surface, and ground water are not intentionally admitted.
103. "Septic Tank Waste" shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
104. "Segregated domestic wastes" shall mean wastes from non-residential sources, resulting from normal domestic activities and measurable and set apart from industrial trade or process discharges.
105. "Sewer" shall mean a pipe or conduit for carrying sewage.
106. "Significant Industrial User (SIU)" (formerly A "Major Contributor") shall mean a user subject to categorical pretreatment standards; or a user that;
- a. discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the Lapel POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by Lapel on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement. Upon a finding that a user meeting the criteria in Subsection (2) has not reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Town of Lapel may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.
107. "Significant Noncompliance" shall mean the term "significant noncompliance" shall include any of the following violations:
- a. chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six-month (6-month) period exceed (by any magnitude) a Numeric Pretreatment Standard or Requirement including Instantaneous Limits as defined by Section 2 of this ordinance;
 - b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-month (6-month) period equals or exceeds the product of the numeric Pretreatment

Standard or Requirement including Instantaneous Limits, as defined by Section 2 of this ordinance multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils, and grease, 1.2 for all other pollutants except pH);

- c. any other discharge violation of a Pretreatment Standard or Requirement as defined by Section 2 of this ordinance (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Superintendent believes has caused, along or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public
- d. any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Lapel Town Council's exercise of its emergency authority to halt or prevent such a discharge
- e. failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules
- g. failure to accurately report noncompliance
- h. any other violation(s), which may include Best Management Practices (BMPs), that upon recommendation of the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

108. "Slug Load or Slug" shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

109. "Sludge" shall mean any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and effects as defined in standards issued under Section 402, 405 of the Federal Act and in the applicable requirements under Sections 3001, 3004, and 4004 of the Solid Waste Disposal Act, PL 94-580.

110. "Standard methods" shall mean the laboratory procedures set forth and in accordance with 40 CFR Part 136 and amendments thereto or with any other test procedures approved by EPA.

111. "Storm sewer" shall mean a sewer for conveying water, ground water or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.

112. "Stormwater" shall mean any flow occurring during or following any form of natural [MISSING WORDS HERE]?

113. "Superintendent" shall mean the Superintendent of the Town sewage works or his or her authorized deputy, agent or representative.

114. "Surcharge" shall mean a charge for services in addition to the basic service charges.

115. "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering.
116. "Total solids" shall mean the sum of suspended and dissolved solids.
117. "Total Suspended Solids" shall mean solids which either float on the surface of or are in suspension in water, sewage, or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determination shall be made in accordance with procedures set forth in 40 CFR 136.
118. "Toxic amount" shall mean concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to 33 U.S.C. 1251, et. seq., as amended.
119. "Toxicant" shall mean a substance that is known or suspected to contain carcinogens, mutagens, or teratogens and substances present in industrial discharges with known toxic effects on human and aquatic life which is among the list of elements and compounds known as "priority pollutants" developed under the Clean Water Act.
120. "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and water system facilities provided.
121. "Upset" shall mean an exceptional incident in which a Discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in this Ordinance due to factors beyond the reasonable control of the Discharger, and excluding noncompliance to the extent caused by operational error, improperly signed pretreatment facilities, lack of preventative maintenance, or careless or improper operation thereof.
122. "User" shall mean any person that discharges, causes, or permits the discharge of wastewater into the sewerage system.
123. "User Charge" shall mean a charge levied on users of the water system works for the cost of operation and maintenance of such works pursuant to 33 U.S.C. 1251, et. seq., as amended.
124. "User class" shall mean the division of water system customers by source, function, waste characteristics, and process or discharge similarities i.e., residential, commercial, industrial, institutional, and governmental in the User Charge System and as industrial and non-industrial in the Industrial Cost Recovery System.
125. "Volatile organic matter" shall mean the material in the sewage solids transformed to gases or vapors when heated at Five Hundred Fifty degrees centigrade (550 C) for fifteen (15) to twenty (20) minutes.
126. "Waste" shall include sanitary sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, processing, manufacturing, or industrial operation of whatever nature, including such waste placed within containers or whatever nature prior to, and for purposes of, disposal.
127. "Wastewater" shall mean liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the Lapel POTW.

128. "Wastewater Constituents and Characteristics" shall mean the individual chemical physical, bacteriological, and radiological parameters, including volume, flow rate, and such other parameters that serve to define, classify, or measure the contents, quality, quantity, and strength of wastewater.
129. "Wastewater Department Superintendent" shall mean the person designated by the Lapel to supervise the operation of the Lapel POTW, and who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative. Typically the administrative head of the Lapel Wastewater Department; herein also referred to as "Superintendent".
130. "Wastewater Treatment Plant or Treatment Plant" shall mean that portion of the Lapel POTW which is designed to provide treatment of municipal sewage and industrial waste.
131. "Watercourse" - A channel in which a flow of water occurs, either continuously or intermittently.
132. "Waters of the State" - Any water, surface or underground, within the boundaries of Indiana, except confined waters in sewers, tanks, etc.

C. Prohibited Activity shall be identified as follows:

1. No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of the Town, any human or animal excrement, garbage or other objectionable waste.
2. No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, stormwater, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water, or unpolluted industrial process water. The Town shall require the removal of unpolluted waters from any wastewater collection or treatment facility if such removal is cost-effective and is in the best interest of all users of these facilities.
3. Stormwater, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No person shall use such sewers, however, without the specific permission of the Town. No new connection shall be made unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant including capacity for BOD and suspended solids.
4. No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the Town, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this section and the NPDES Permit.
5. No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this section and the NPDES Permit.
6. Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
7. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the town and abutting any street, alley or right-of-way in which there is now located a public sanitary or combined sewer of the Town, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this section, within ninety

(90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

D. Private Sewage Disposal System:

1. Where a public sanitary or combined sewer is not available under the provisions of (b)(8) the building sewer shall be connected to a private sewer disposal system complying with the provisions of this section.
2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of Twenty-Five Dollars (\$25.00) shall be paid to the Town at the time the application is filed.
3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent.
4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
5. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in (c)(4), a direct connection shall be made to the public sewer in compliance with this section, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
6. The owner shall operate and maintain the private sewer disposal facilities in a sanitary manner at all times, at no expense to the Town.
7. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

E. Building Sewers

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk-Treasurer.
2. There shall be two (2) classes of building sewer permits:
 - a. for residential and commercial service, and
 - b. for service to establishments producing industrial wastes.
 - c. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other

information considered pertinent in the judgment of the Inspector. A permit and inspection fee of Ten Dollars (\$10.00) for a residential or commercial building sewer permit and Twenty-Five Dollars (\$25.00) for an industrial building sewer permit shall be paid to the Clerk treasurer at the time the application is filed.

3. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
4. A separate and independent building sewer shall be provided for every building. Except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.
5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the said Inspector, to meet all requirements of this section.
6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, place of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of this code or other applicable Town rules and regulations. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
8. No person shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
9. The connection of the building sewer into the public sewer shall conform to the requirements of this code or other applicable Town rules and regulations, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
10. The applicant of the building sewer permit shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said Inspector or his or her representative.
11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

F. Improper Discharges into System:

1. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- a. Pollutants which create a fire or explosive hazard in the Lapel POTW, including but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F(60 degrees C). using the test methods specified in 40 CFR 261.21;
- b. Wastewater having a pH less than 5.0 or more than 10.0 or otherwise causing corrosive structural damage to the Lapel POTW or equipment;
- c. Solid or viscous substances in amounts which will cause obstruction of the flow in a sewer or other interference with the operation of the POTW;
- d. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which either singly or by interaction with other pollutants, will cause interference in the Lapel POTW;
- e. Wastewater having a temperature greater than 150 degrees F (65 degrees C), or which will inhibit biological activity in the treatment plant resulting in interference or damage to the POTW, but in no case wastewater which cause the temperature at the introduction into the treatment plant to exceed 104 degrees F (degrees C);
- f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that could cause interference or pass through;
- g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the Lapel POTW in a quantity that may cause acute worker health and safety problems;
- h. Trucked or hauled pollutants, except with the permission of the POTW upon recommendation of the Superintendent in accordance with this ordinance and when introduced to the POTW at a discharge point designated by the POTW;
- i. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- j. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Town's NPDES permit;
- k. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- l. Stormwater, surface water, groundwater, artesian well water, roof, runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Town Council upon recommendation of the Superintendent;
- m. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- n. Medical wastes, except as specifically authorized by the Lapel Town Council upon recommendations of the Superintendent in a wastewater discharge permit;
- o. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- p. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

- q. Any water or waste containing fats, oils, and/or greases of mineral or petroleum in origin in excess of 100mg/l or of animal or vegetable in origin in excess of 200 mg/l;
 - r. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the Lapel POTW, or at any point in the Lapel POTW, over 10 percent (10%) of the Lower Explosive Limit of the meter;
 - s. Any garbage that has not been properly ground or shredded. The installation and operation of any garbage grinder equipped with a motor of three-quarters horsepower (076 HP metric) or greater shall be subject to the review and approval by the Superintendent;
 - t. Any ashes, cinders, sand, mud, straw, shavings, wood, metal, glass, rags, feathers, tar, plastics, paunch manure, butcher's offal, or any solid or vicious substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system or the wastewater treatment plant;
 - u. Any waters or wastes containing acid metallic pickling wastes or concentrated plating solutions;
 - v. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides, and any other substances which the Town, the State, or EPA has notified the user is a fire hazard or a hazard to the system;
 - w. A pollutant from any source of nondomestic wastewaters that could pass through or cause interference with the operation or performance of the POTW; and
 - x. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the Lapel POTW.
2. National Categorical Pretreatment Standards. When applicable, compliance is required with all applicable pretreatment standards and requirements by indirect dischargers. The categorical pretreatment standards found at 40 CFR, Chapter 1, Subchapter N, Parts 405-471 are hereby incorporated:
1. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c)
 2. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e)
 3. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
3. State Pretreatment Standards are located in 327 Indiana Administrative Code Article 5. When applicable, compliance is required with all applicable pretreatment standards and requirements by indirect dischargers.
4. Pollutant Concentration Guidelines and Limits. Lapel Wastewater Department Superintendent is authorized to establish local limits pursuant to 40 CFR 403.5 (c). The following pollutant guidelines and limits are established to protect against pass through and interference. No person shall

discharge wastewater containing in excess of the following. Persons discharging wastewater in excess of the pollutant limits shall be subject to fines and service termination.

| Pollutant Parameter | Daily Limit | Monthly Avg Limit |
|---|--------------------|--------------------------|
| Arsenic | 7.16 mg/l | 3.58 mg/l |
| Cadmium | 0.15 mg/l | 0.07 mg/l |
| Chromium, total | 52.67 mg/l | 25.53 mg/l |
| Hex, Chromium, total | 1.09 mg/l | 0.55 mg/l |
| Copper | 3.8 mg/l | 1.93 mg/l |
| Cyanide | 2,046.82 mg/l | 846.96 mg/l |
| Fats, Oils & Grease (animal or vegetable in origin) | 200 mg/l | N/A |
| Fats, Oils & Grease (mineral or petroleum in origin) | 100 mg/l | N/A |
| Lead | 0.54 mg/l | 0.26 mg/l |
| Nickel | 5.28 mg/l | 2.14 mg/l |
| Silver | 0.58 mg/l | 0.29 mg/l |
| Total Toxic Organics | 1.0 mg/l | |
| Zinc | 17.71 mg/l | 8.68 mg/l |
| ph range | 5.0-10.0 | |

- The above pollutant guidelines and limits apply at the point where the wastewater is discharged to the Lapel POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Wastewater Superintendent may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

- Best Management Practices (BMPs). Under the direction of the Superintendent, BMPs may be required as part of the Local Limits under this Section and may include; treatment requirements; operating procedures and practices to control site runoff, spillage or leaks, sludge or waste disposal; or drainage from raw materials storage.
- Town's Right of Revision. The Town reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the Lapel POTW. The Town of Lapel reserves the right to revise the limitations if Lapel POTW monitoring data indicates interference or increased Lapel POTW operating tolerance to pollutants. The Town reserves the right to accept or deny any new or increased dischargers from any indirect discharger. The Town also reserves the right to require compliance with all applicable pretreatment standards and requirements by all indirect dischargers.
- Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Superintendent may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

G. If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in (e)(4) of this section, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Require new industries or industries with significant increase in discharges to submit information on wastewater characteristics and obtain prior approval for discharges.
2. Reject the wastes in whole or in part for any reason deemed appropriate by the Town.
3. Require pretreatment of such wastes to within the limits of normal sewage as defined.
4. Require control or flow equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works, or
5. Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.

H. Pretreatment of Wastewater. Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards pollutant concentration guidelines and limits, and the prohibitions set out in this ordinance within the time limitations specified by EPA, the State, or the Lapel Town Council, whichever is more stringent. Any facilities necessary for compliance shall be provided, operating and maintained at the user's expense.

1. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.
2. The Superintendent may require any person discharging into the Lapel POTW to install and maintain on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
3. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.
4. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life, limb, and property. The particular analyses involved will

determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pHs are determined from periodic grab samples.

5. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern, at such rates as are compatible with the rate subsection.
6. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern, at such rates as are compatible with the rate subsection.
7. Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the Rules and Regulations adopted by the United States Environmental Protection Agency (USEPA) and published in the Federal Register on November 8, 1973 (40 CFR Part 128), and "Federal Guidelines Establishing Test Procedures for Analysis of Pollutants" published in the Federal Register on October 16, 1973 (40CFR Part 136), in addition to any more stringent requirements established by the Town, and any subsequent State or Federal Guidelines, Rules and Regulations.
8. Plans, specifications, and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the Town and no construction of such facilities shall be commenced until approval in writing, is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his expense and shall be subject to periodic inspection by the Town to determine that such facilities are being operated in conformance with applicable Federal, State and local laws and permits. The owner shall maintain operating records and shall submit to the Town a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against Town monitoring records.
9. The owner of any property serviced by a building sewer carrying industrial wastes or other non-residential wastewater may be required by the Town to install a suitable structure together with such necessary meters and other appurtenances in the building to facilitate observation, sampling, and measurement of the wastes. Such structures, when required shall be accessible and safely located and shall be constructed in accordance with plans approved by the Town. The structures shall be installed by the owner at his expense and shall be maintained by him as to be safe and accessible at all times.
10. Agents of the Town, the State of Indiana and the U.S. Environmental Protection Agency shall be permitted to enter all properties for purposes of inspection, observation, measurement, sampling and testing. The Superintendent, Inspector and other duly authorized Town employees bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this section. The Superintendent or his or her representative shall have no authority to inquire into

any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

11. The strength of wastewaters shall be determined, for periodic establishment of charges provided for in the rate subsection, from samples taken at the aforementioned structure at any period of time and of such duration and in such manner as the Town may elect, or, at any place mutually agreed upon between the user and the Town. Appropriate charges for sampling and analysis may be assessed to the user at the option of the Town. The results of routine sampling and analysis by the user may also be used, for determination of charges after verification by the Town.
 12. Whenever deemed necessary, the Superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the Lapel POTW and determine the user's compliance with the requirements of this ordinance.
 13. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with 4 CFR 36.
 14. Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the Town and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding extreme changes in temperatures and shall be of substantial construction, be gas tight, water tight, and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
 15. Users of the treatment works shall immediately notify the Town of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system.
 16. All provisions of this section and limits set herein shall comply with any applicable State and/or Federal Requirements now or subsequently in effect.
 17. No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works.
 18. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- I. Accidental Discharge/Slug Control Plans. At least once every two (2) years, the Superintendent shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Superintendent may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Superintendent may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:
1. Description of discharge practices, including nonroutine batch discharges;

2. Description of stored chemicals;
3. Procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required by this ordinance;
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage area, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

J. Hauled Wastewater

1. Septic tank waste may be introduced into the Lapel POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Such waste shall not violate this ordinance or any other requirements established by the Lapel POTW. The Superintendent may require septic tank waste haulers to obtain wastewater discharge permits.
2. The Superintendent may require haulers of industrial waste to obtain wastewater discharge permits. The Superintendent shall require generators of hauled industrial waste to obtain wastewater discharge permits. The Superintendent may also prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.
3. Industrial waste haulers may discharge loads only at locations designated by the Superintendent. No load may be discharged without prior consent of the Superintendent. The Superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
4. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
5. Septic tank waste and industrial waste haulers must discharge amounts that will not cause pass through and interference of the POTW.

K. Wastewater Discharge Permit Application

1. Wastewater Analysis. When requested by the Superintendent, a user must submit information on the nature and characteristics of its wastewater within ten (10) days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information.
2. Wastewater Discharge Permit Requirements
 - a. No significant industrial user shall discharge wastewater into the Lapel POTW without first obtaining a wastewater discharge permit from the Superintendent, except that a significant industrial user that has filed a timely application pursuant to this ordinance may continue to discharge for the time period specified therein.

- b. The Superintendent may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.
 - c. Any violations of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards of requirements or with any other requirements of Federal, State, and local law.
3. Wastewater Discharge Permitting: Existing Connections. Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future shall not cause or allow discharges to the POTW to continue after the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Superintendent.
4. Wastewater Discharge Permitting: New Connections. Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the Lapel POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with this ordinance, must be filed at least (60) days prior to the date upon which any discharge will begin or recommence.
5. Wastewater Discharge Permit Application Contents. All users required to obtain a wastewater discharge permit must submit a permit application. The Superintendent may require all users to submit as part of an application the following information:
 - a. All information required by Section (M)(1) of this ordinance;
 - b. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are or could accidentally or intentionally be discharged to the Lapel POTW;
 - c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - d. Each product produced by type, amount, process or processes, rate of production;
 - e. Type and amount of raw materials processed (average and maximum per day);
 - f. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
 - g. Time and duration of discharges; and
 - h. Any other information as may be deemed necessary by the Superintendent to evaluate the wastewater discharge permit application.
 - i. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.
6. Application Signatories and Certification. All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction of supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or

persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

7. Wastewater Discharge Permit Decisions. The Superintendent will evaluate the data furnished by the user and may require additional information. Within sixty (60) days of receipt of a complete wastewater discharge permit application, the Superintendent will determine whether or not to issue a wastewater discharge permit. The Superintendent may deny any application for a wastewater discharge permit.

L. Wastewater Discharge Permit Issuance Process

1. Wastewater Discharge Permit Duration. A wastewater discharge permit shall be issued for a specific time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Superintendent. Each wastewater discharge permit will indicate a specific date upon which it will expire.
2. Wastewater Discharge Permit Contents. A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the Lapel POTW. A Wastewater discharge permits must contain:
 - a. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
 - b. A statement that the wastewater discharge permit is nontransferable without prior notification to the Town in accordance with Section (L)(5) of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - c. Effluent limits based on applicable pretreatment standards in including Best Management Practices;
 - d. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sample location, sample frequency, and sample type based on Federal, State and local law;
 - e. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law;
 - f. Requirements to control slug discharges, if determined by the Lapel Wastewater Superintendent to be necessary;
 - g. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - h. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

- i. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- j. Development and implementation of waste minimization plants to reduce the amount of pollutants discharged to the Lapel POTW;
- k. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the Lapel POTW;
- l. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- m. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- n. Other conditions as deemed appropriate by the Superintendent to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

3. Wastewater Discharge Permit Appeals. The Superintendent shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Lapel Town Council to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

- a. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- b. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative conditions, if any, it seeks to place in the wastewater discharge permit.
- c. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- d. If the Lapel Town Council fails to act within sixty (60) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- e. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the appropriate Madison County Court.

4. Wastewater Discharge Permit Modifications. The Superintendent may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- a. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- b. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d. Information indicating that the permitted discharge poses a threat to the Town's POTW, Town personnel, or the receiving waters;

- e. Violation of any terms or conditions of the wastewater discharge permit;
- f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- g. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- h. To correct typographical or other error in the wastewater discharge permit; or
- i. To reflect a transfer of the facility ownership or operation to a new owner or operator.

5. Wastewater Discharge Permit Transfer. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days' advance notice to the Superintendent and the Superintendent approves the wastewater discharge permit transfer. The notice to the Superintendent must include a written certification by the new owner or operating which;

- a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- b. Identifies the specific date on which the transfer is to occur; and
- c. Acknowledges full responsibility for complying with the existing wastewater discharge permit.
- d. *Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

6. Wastewater Discharge Permit Revocation. The Lapel Town Council upon recommendation of the Superintendent may revoke a wastewater discharge permit for good cause, including but not limited to, the following reasons:

- a. Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;
- b. Failure to provide prior notification to the Superintendent of changed conditions pursuant to this ordinance;
- c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- d. Falsifying self-monitoring reports;
- e. Tampering with monitoring equipment;
- f. Refusing to allow the Superintendent timely access to the facility premises and records;
- g. Failure to meet effluent limitations;
- h. Failure to pay fines;
- i. Failures to pay sewer charges;
- j. Failure to meet compliance schedules;
- k. Failure to complete a wastewater survey or the wastewater discharge permit applications;
- l. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- m. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

n. *Wastewater discharge permits shall be voidable upon cessation of operation or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

7. Wastewater Discharge Permit Reissuance. A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section (J)(5)(a) of this ordinance, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit.

8. Regulation of Waste Received from Other Jurisdictions.

a. If another municipality, or user located within another municipality, contributes wastewater to the Lapel POTW, the Lapel Town Council upon recommendation of the Superintendent shall enter into an intermunicipal agreement with the contributing municipality.

b. Prior to entering into an agreement required by paragraph A, above, the Lapel Town Council upon recommendation of the Superintendent shall request the following information from the contributing municipality:

c. A description of the quality and volume of wastewater discharged to the Lapel POTW by the contributing municipality;

d. An inventory of all users located within the contributing municipality that are discharging to the Lapel POTW; and

e. Such other information as the Superintendent may deem necessary.

f. An intermunicipal agreement, as required by paragraph a, above, shall contain the following conditions:

1. a requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Town's ordinance or local limits;

2. a requirement for the contributing municipality to submit a revised user inventory on at least an annual basis

3. a provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Lapel POTW and which of these activities will be conducted jointly by the contributing municipality and the Lapel POTW,

4. a requirement for the contributing municipality to provide the Superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities;

5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the Lapel POTW;

6. requirements for monitoring the contributing municipality's discharge;

7. provision ensuring the Superintendent access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection,

- sampling, and any other duties deemed necessary by the Superintendent; and
- 8. a provision specifying remedies available for breach of the terms of the intermunicipal agreement.

M. Reporting Requirements

1. Baseline Monitoring Reports. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the Lapel POTW shall submit to the Superintendent a report which contains the following information listed below. At least ninety (90) days prior to the commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Superintendent a report which contains the information listed below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall give estimates of its anticipated flow and quantity of pollutants to be discharged. Users described above shall submit the information set forth below:
 - a. Identifying Information shall include the name and address of the facility and the name of the operator and owner.
 - b. Environmental Permits. A list of any environmental control permits held by or for the facility.
 - c. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the Lapel POTW from the regulated processes.
 - d. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the Lapel POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastewater formula set out in 40 CFR 403.6(e).
 - e. Measurement of Pollutants shall include or adhere to the following:
 1. the categorical pretreatment standards applicable to each regulated process;
 2. the results of sampling analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in this ordinance;
 3. Sampling must be performed in accordance with procedures set out in this ordinance;
 4. the User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph
 5. sample should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the

combined waste stream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

6. sampling and analysis shall be performed in accordance with this ordinance
 7. the Superintendent may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures; and
 8. the baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
- f. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- g. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in this ordinance.
- h. Signature and Certificate. All baseline monitoring reports must be signed and certified in accordance with this ordinance.
2. Use of Representative Analysis. Until an adequate analysis of a representative sample of user's wastes has been obtained, the Lapel Wastewater Department shall, for the purpose of this ordinance, make a determination of the character and concentration of the user's wastes by using data based on analysis of similar processes or data for his type of business that are available from the U.S. Environmental Protection Agency or from industry-recognized authoritative sources. This method, if selected by the Lapel, shall continue at the Lapel's pleasure or until an adequate analysis has been made.
3. Solvent Management Plan. Any industrial user who discharges solvents must submit a solvent management plan that specified to the Superintendent's satisfaction:
- a. the toxic organic compounds used
 - b. the method of disposal used instead of dumping, such as reclamation, contract hauling, etc.
 - c. procedures for assuring that toxic organics do not spill or leak into the POTW's wastewater facilities, in lieu of monitoring for total toxic organics (TTO). Further, the industrial user requesting the TTO monitoring waiver must make the following certification:
 - "Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standards for total toxic organic (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing the last discharge monitoring report. I further

certify that the facility is implementing the solvent management plan submitted to the control authority."

4. Special Agreements. No statement contained in this article shall be construed as prohibiting any special agreement or arrangement between the Lapel Town Council and any person whereby an industrial waste of unusual strength or character may be accepted by the Lapel POTW for treatment whether with or without pretreatment, provided that such agreement does not violate National Categorical Pretreatment Standards for the specific category of industrial user, provided that there is no impairment of the functioning of the sewage works by reason of the admission of such wastes and provided that no extra costs are incurred by the Lapel POTW without recompense by the person.
5. Compliance Scheduled Progress Reports. The following conditions shall apply to the compliance schedule required this ordinance:
 - a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatments standards (such events include, but not are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
 - b. No increment referred to above shall exceed nine (9) months;
 - c. The user shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
 - d. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.
6. Reports on Compliance With Categorical Pretreatment Standard Deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source, following commencements of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Superintendent a report containing the information described in this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(C), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), in this report shall include the user's actual production during the appropriate sample period. All compliance reports must be signed and certified in accordance with this ordinance.
7. Periodic Compliance Reports.
 - a. All significant industrial users shall, at a frequency determined by the Superintendent but in case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards

and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice or pollution prevention alternative, the user must submit documentation required by the Lapel Wastewater Superintendent or the pretreatment standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with this ordinance.

- b. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- c. If a user subject to the reporting requirements in this section monitors any pollutant more frequently than required by the Superintendent, using the procedures prescribed in this ordinance, the results of this monitoring shall be included in the report.

8. Reports of Changed Conditions. Each user must notify the Superintendent of any planned significant changes to the user's operation or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

- a. The Superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit as required by this ordinance.
- b. The Superintendent may issue a wastewater discharge permit or modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions.

9. Reports of Potential Problems.

- a. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of water, concentration and volume, if known, and corrective actions taken by the user. Such notifications will not relieve users of liability for any expense, loss, or damage to the sewerage system, wastewater treatment plant, or treatment process, or any fines imposed by the Town of Lapel.
- b. Within five (5) days following such discharge, the user shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the Lapel POTW, natural resources, or any other damage to person or property; nor shall each notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- c. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above.

Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notifications procedure.

d. Significant Industrial Users are required to notify the Lapel Wastewater Department Superintendent immediately of any changes at its facility affecting the potential for a Slug Discharge

10. Reports from Unpermitted Users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Superintendent as the Superintendent may require.
11. Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a user indicates a violation, the user must notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Superintendent monitors at the user's facility at least once a month, or if the Superintendent samples between the user's initial sampling and when the user receives the results of this sampling. Where the Control Authority has performed the sampling and analysis in lieu of the Industrial User, the Control Authority must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if:
 - a. The Control Authority performs sampling at the Industrial user at a frequency of at least once per month; or
 - b. The Control Authority performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Control Authority receives the results of this sampling.
12. Notification of the Discharge of Hazardous Waste. The Lapel POTW prohibits the discharge of hazardous waste.
13. Analytical Requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or reports shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.
14. Sample Collection
 - a. Except as indicated in below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Superintendent may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
 - b. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
 - c. Except as indicated above and below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite

sampling or grab sampling is authorized by the Wastewater Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the Town of Lapel, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows:

- for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field;
- for volatile organics and oil and grease, the samples may be composited in the laboratory
- Composite samples for other parameters unaffected by the composting procedures as documented in approved EPA methodologies may be authorized by the Lapel Wastewater Department, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

d. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section (M)(1) [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Wastewater Superintendent may authorize a lower minimum. For the reports required by paragraphs Section (M)(7) (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

15. Timing. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

16. Record-Keeping. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; the results of such analyses; and if applicable, any record-keeping documentation associated with Best Management Practices. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Lapel, or where the user has been specifically notified of a longer retention period by the Superintendent.

N. Compliance Monitoring

1. Right of Entry: Inspection and Sampling. The Wastewater Superintendent or duly authorized representative (Inspector) bearing the proper identification and credentials shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow

the Inspector ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- a. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Inspector will be permitted to enter without delay for the purposes of performing specific responsibilities.
- b. The Inspector shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- c. The Superintendent may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
- d. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sample shall be promptly removed by the user at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be borne by the user.
- e. Unreasonable delays in allowing the Inspector access to the user's premises shall be a violation of this ordinance.
- f. Inspection of SIU's. Inspection of industrial users for the purposes of verifying industry self-monitoring information will be done at such intervals as determined by the Superintendent to be necessary to detect prohibited discharges. The minimum surveillance schedule to be conducted by the POTW, if deemed warranted by the Superintendent, will be semi-annually.
- g. A seven (7) day monitoring period shall be allowed if deemed warranted in order to obtain representative data. The surveillance period will normally be for a period of one (1) day representative of the normal production day, but can be of longer duration at the discretion of the Superintendent. In cases where the surveillance period extends for a greater number of consecutive days of its choice for establishing rates and charges.
- h. The Lapel POTW may sample and conduct inspection activities of SIU's contributing and non-SIU industries when deemed necessary by the Superintendent to verify, independent of information supplied by industrial users, compliance or non-compliance with applicable pretreatment standards. For scheduled surveillance, the user shall be given the option of splitting the obtained sample such that it may be analyzed by the user.
- i. Inspection Survey Charge. The minimum charge for each inspection shall be \$100 per day per testing point. The Town of Lapel shall recoup costs incurred.

2. Search Warrants. If the Town of Lapel or any of its duly authorized representatives have been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Lapel designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Lapel Town Council may seek issuance of a search warrant from the appropriate Madison County Court.

O. Confidential Information. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Superintendent that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

P. Significant Noncompliance and Publication. The Lapel Wastewater Department shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the Lapel POTW, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean:

1. Chronic violations of wastewater discharge limits, defined as those in which sixty-six (66%) or more of all the measurements taken during a six (6) month period exceed, by any magnitude, a numerous pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(1).
2. Technical review criteria (TRC) violations, defined as those in which thirty-three (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC (TRC equals one and four-tenths (1.4)) for biochemical oxygen demand, total suspended solids, fats, oils, and grease and one and two-tenths (1.2) for all other pollutants except pH);
3. Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public.;
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the POTW's exercise of its emergency authority under 327 IAC 5-19-3(1)(G) to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or administrative order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide within thirty (30) days after the due date, any required reports, such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and

reports on compliance with compliance schedules;

7. Failure to accurately report noncompliance; or

8. Any other violation(s), which may include Best Management Practices (BMPs), that the Lapel Town Council upon recommendation of the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

Q. Enforcement Actions. The following includes the types of Enforcement Action that may be undertaken by the POTW:

1. Informal Notice. An informal notice may be either a documented phone call, written warning, or a meeting notifying the IU of minor incidences that have occurred and that need to be corrected. Repeat performance of the same incidence or escalation of the incidence will result in escalated enforcement action.

2. Notice of Violation (NOV). A NOV is the initial formal enforcement action for a violation. The certified letter notifies the IU signatory authority of the violation and requires the following:

- a. Immediate corrective action or steps being taken to correct the problem;
- b. Increased sampling of the parameter in violation within (30) days; and
- c. Written response within ten business day of receipt of NOV.

3. Administrative Fines. An administrative fine is a punitive monetary charge assessed by the POTW rather than a court, for an IU who is found to have violated any provision of the sewer use ordinance, or permits and orders. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. The purpose of the fine is to recover the economic benefit of noncompliance and to deter future violations. When assessing an administrative fine the following factors are considered:

- a. Type and severity of the violation;
- b. Number of violations cited;
- c. Duration of noncompliance;
- d. Impact of the violation on the receiving water, sludge quality, and POTW operation;
- e. Whether the violation threatened public health;
- f. The economic benefit or savings the industrial user gained from the noncompliance;
- g. Compliance history of the industrial user; and
- h. Whether the industrial user is making a good faith effort to comply

4. Administrative Order (AO). An Administrative Order is notification to the IU to undertake or to cease specified activities by a specified deadline. It is the first formal response to a significant noncompliance (unless factors necessitate escalated enforcement actions). It may contain administrative fines, consent orders, compliance orders, show cause hearings, termination of service. In addition, it specifies the name of the parties involved, statement of the facts, the requirement to ensure compliance and the enforcement associated with any future non-compliance. Below are different types of Administrative Orders:

- a. Consent Orders. A consent Order is an agreement with an IU responsible for noncompliance. Such documents shall include specific actions to be taken by the IU to correct the noncompliance within a time period specified by the document.

- b. Show Cause Hearing. A Show Cause Hearing is when the IU and the POTW meet to discuss the cause and effect of the violation, as well as the enforcement action the IU will be subjected to. The IU may present its case as to why the violation occurred and why further enforcement should not be applied. Corrective actions to be undertaken by the IU can also be a part of this meeting.
 - c. Compliance Orders. A Compliance Order is a formal time and management schedule contained in an enforcement order, established for the non-compliant IU to achieve compliance. It is established for existing IUs to meet the categorical pretreatment standards or local standards. It contains increments of progress in the form of dates for the commencement and completion of major events leading to compliance. In addition, all compliance orders shall contain the following:
 - 1. Monitoring requirements with the location for monitoring;
 - 2. How the data will be used for evaluating compliance;
 - 3. Enforcement associated with non-compliance; and
 - 4. Closure date after which IU will be considered either non-compliance with the established compliance order, or evaluated for compliance.
 - d. Cease and Desist Orders. The POTW may issue an order to an IU that has violated, or continues to violate, any provision of the sewer use ordinance, an individual wastewater discharge permit, order, or any other, pretreatment standard or requirement, or that the IU's past violations are likely to recur, directing it to cease and desist all such violations and directing the IU to:
 - 1. Immediately comply with all requirements; and
 - 2. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.
5. Emergency Suspensions. The POTW may immediately suspend an IU's discharge, after informal notice to the IU, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
- a. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings are initiated against the User.

- b. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination.
6. Termination of Service. Termination of Service is the revocation of an IU's privilege to discharge non-domestic wastewater into the sewer system. Termination of service is used when the discharge from an industrial user presents imminent endangerment to the health or welfare of persons, or the environment; or threatens to interfere with the POTW's operations; or as an escalating enforcement action to a significant violation when a noncompliant industrial user fails to respond adequately to previous enforcement actions. Termination of service may be accomplished by physical severance of the IU's connection to the collection system, issuance of an AO (cease and desist order) which compels the IU to immediately terminate its discharge, revocation of the IU's discharge permit, or a court ruling.
7. Cost Recovery. In addition to administrative fines imposed by the Superintendent, the IU shall be responsible for paying the following (but not limited to) costs incurred by the Town for the IU's failure to comply:
 - a. Cost of mileage and labor incurred in detecting and correcting the violation;
 - b. Laboratory analysis costs associated with detecting and correcting the violation;
 - c. Additional treatment costs caused by the violation or associated with detecting and correcting the violation;
 - d. Costs of any additional equipment acquired or expended by the Town for detecting or correcting the violation;
 - e. Repair and/or replacement of any part of the sewerage system damaged by the violation;
 - f. Any liability, damages, fines or penalties incurred by the Town as a result of the violation;
 - g. Any and all expenses of outside professionals to include, but not limited to, engineers, scientists, and/or legal counsel;
 - h. Other costs associated with the detection and correction of the violations.
8. Judicial Action. Judicial Action will be taken when it is deemed necessary to force the IU to correct the violation and comply with the permit. Judicial action may consist of any or a combination of the following at the discretion of the POTW and its counsel:
 - a. Injunctive relief;
 - b. Civil penalties; and/or
 - c. Criminal prosecution.
 - d. *As an alternative to judicial action, the POTW and IU may agree to a voluntary zero discharge of industrial waste by the IU pending correction of the violation.
9. Referred to EPA or the State. When a POTW does not rely on criminal prosecution for its enforcement authority, referral to the State or EPA may be made. For violations that may warrant criminal prosecution, the POTW will refer the case to EPA or the State for further action. Circumstances that trigger EPA or State referrals may include (but are not limited too) evidence of willfulness, evidence of negligence, and/or bad faith shown by the Industrial user.

Violations that threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.

R. Affirmative Defenses to Discharge Violations.

1. Upset. For the purposes of this section "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (c), below, are met. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and the user can identify the cause(s) of the upset;
 - b. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - c. The user has submitted the following information to the Superintendent within twenty-four (24) hours of becoming aware of the upset, if this information is provided orally, a written submission must be provided within five (5) days:
 1. a description of the indirect discharge and cause of noncompliance
 2. the period of noncompliance, include exact dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 3. steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
 - d. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
 - e. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
 - f. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
2. Prohibited Discharge Standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions of this ordinance or the specific prohibitions of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:
 - a. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
 - b. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Town of Lapel was regularly in compliance with its

NPDES Permit and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

3. Bypass. For the purpose of this section:

- a. "Bypass" means the intentional diversions of waste streams from any portion of a user's treatment facility.
- b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- c. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (d) and (e) of this section.
- d. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, at least ten (10) days before the date of the bypass, if possible.
- e. A user shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- f. Bypass is prohibited, and the Lapel Town Council may take an enforcement action against a user for a bypass, unless:
 1. bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 2. there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 3. the user submitted notices as required under paragraph (d) of this section.
- g. The Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will meet the three conditions listed in paragraph (f) of this section.

S. Miscellaneous Provisions

1. Severability. If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.
2. Supersedes. This ordinance supersedes any ordinances and laws, or sections and provisions thereof, that conflict with this ordinance. Any provisions of an ordinance in contradiction to this ordinance is hereby appealed.
3. Operation of POTW. The Town shall make and enforce such bylaws and regulations as may be deemed necessary for safe, economic and efficient management of the POTW.
4. Annual Ordinance Review. This ordinance shall be reviewed annually by the Lapel Town Council to insure compliance with current State and Federal regulations, and as necessary, recommended to the Town Council actions to upgrade this ordinance.

T. Compliance Inspections

1. The Town, through its employees and agents, shall be given authority to conduct inspections for code violations, fire code compliance, and zoning ordinance compliance of non-residential business properties. Such inspections shall be conducted upon application for utility services by non-residential business properties and prior to such utility connection.

(Res. No. 1-1993, passed 1/19/92)

1. Each user shall pay the minimum charge in accordance with the following applicable size of meter installed, for which the user will be entitled to the quantity of water set out in the below schedule of rates:
 - o **Metered Rates per Month, per 1,000 Gallons**
 - First 2,000 gallons, \$9.20
 - Next 4,000 gallons, \$8.35
 - Next 9,000 gallons, \$7.10
 - Next 15,000 gallons, \$6.44
 - Over 30,000 gallons, \$4.65
 - o **Minimum Charge per Month by Size of Meter**
 - 5/8 - 3/4 inch meter, \$18.40
 - 1 - inch meter, \$27.74
 - 1 - 1/4 inch meter, \$46.18
 - 1 - 1/2 inch meter, \$64.56
 - 2 - inch meter, \$73.93
 - 3 - inch meter, \$92.31
 - 4 - inch meter, \$147.86
 - 6 - inch meter, \$230.84
2. New Service Tap Charge. The Tap charge shall be \$690.00 for connections requiring a meter less than one inch in size. For taps requiring a one inch or larger meter, the charge shall be the actual expense of labor, materials and equipment required for the utility to make the connection. (Ord 6-1995, passed 7/18/95)
3. Fire Protection Service
 - o Utility Maintained
 - Public Hydrant Rental - per Hydrant, \$259.93
 - Private Hydrant Rental - per Hydrant, \$259.93

- The foregoing rates and charges shall become effective with the May, 2000, billing period, and shall be reflected on the customers bills due and payable in June, 2000.

This Ordinance shall be in full force and effect from and after its passage and adoption. Except as hereby amended and revised, the Prior Ordinance shall remain in full force and effect. Ord. 5-2000, passed 5/11/2000

- Automatic sprinkler service connection - per annum (in areas maintained by utility)
 - 1 inch connection, \$7.50
 - 2 inch connection, \$30.15
 - 3 inch connection, \$67.75
 - 4 inch connection, \$120.45
 - 6 inch connection, \$271.00

4. Treatment rate - User charge shall be Five dollars and forty-five cents (\$5.45) per one thousand (1,000) gallons of usage (Ord. 1-2009, passed 1/15/09).

- Sewer Rate Schedule - Monthly
 - 5/8 to 3/4 inch, \$17.30
 - 1 inch meter, \$23.65
 - 1 1/2 inch meter, \$36.95
 - 2 inch meter, \$129.95
 - 3 inch meter, \$293.90
 - 4 inch meter, \$518.35
 - Sewer Tap Fee is \$945.00 (Ord. 2-1978)(6-1995, passed 7/18/95)(1-2009, passed 1/15/09)
- Unmetered Residential Rate
 - The unmetered residential user rate per month shall be \$44.55 and is based on 5,000 gallons of usage.
- Fishersburg Area
 - The Fishersburg area flat rate per month shall be \$47.85
- Minimum Charge Per Month
 - The foregoing rates and charges shall become effective with the May, 2000, billing period, and shall be reflected on the customer bills due and payable in June, 2000.
 - This Ordinance shall be in full force and effect from and after its passage and adoption. Except as hereby amended and revised, the Prior Ordinance shall remain in full force and effect. Ord. 5-2000, passed 5/11/2000.

5. Disconnect Notice and Reconnect Charges

- A written disconnection notice shall be sent to allow 14 days from the date of mailing, for disconnection of services. The reconnection charge is \$20.00 per utility service upon the payment in full of the delinquent bill, for that particular service, by the customer. The Town will continue the practice of entering into separate agreements with customers of the Lapel Municipal Gas System, Waster System and Sewage System for repayment of delinquent bills in an attempt to avoid the disconnection of such services.
 - a. It will be the policy of the Town of Lapel to assess a \$20.00 service charge to utility customers, who present payment by check and that check is returned due to non-sufficient funds (NSF)

or such check is presented on a closed account. Notification of assessment, by the town, of the \$20.00 service charge, will be submitted in writing and due and payable in 30 days upon written notification to the customer.

b. Disconnect Procedures

1. If property is a rental property, notify the property owner of impending disconnection to verify whether the utilities are to be left on in the owners name or disconnected.
2. If property has been sold, verify when new owner will be in to make meter deposits. if no deposits are received, the utilities will be disconnected until the new owner makes meter deposits.
3. If rental property and property owner requests utilities be left on in property owner's name, the new tenant will not be billed until all meter deposits have been paid. If no deposits are received, utility bills will remain in the property owner's name.

c. Seasonal shut-off/reconnect fee for the utilities of water and gas shall be in the following amounts (Ord 6-1998, passed 6/18/98):

1. Shut-off/reconnect of water, \$20.00
2. Shut-off/reconnect of gas, \$20.00
3. Shut-off/reconnect of gas and water, \$25.00

6. Collection and Deferred Payment Charges

- o Any user of the sewer system whose building or connected sewer is located outside the town shall pay the above rate unless otherwise determined by the Board. All bills for water service not paid within 17 days from the date of mailing. Bills unpaid eighteen days following beginning of collection period shall include a collection fee of 10% on the first \$3.00 and 3% on the excess of \$3.00.

7. Temporary Users

- o Water furnished to temporary users, such as contractors, etc. shall be charged on the basis of the metered gallon rates hereinbefore set forth as estimated and established by the waterworks superintendent.

II). Rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the town's sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the town's sanitary sewerage system. There shall be individual water meters for each and every lot and each and every user. These rates and charges including User charges, debt service costs, excessive strength surcharges and other service charges which rates and charges shall be payable as provided and shall be in an amount determined according to the as follows procedures:

1. That certain monthly base rates and charges to customers of the Lapel Sewer Company shall be established according to the size of water meters servicing said customers, which said monthly base rate and charges shall hereafter be levied in accordance with the following scale:
 - a. 5/8 x 3/4 inch, \$17.30
 - b. 1 inch, \$23.65
 - c. 1 - 1/2 inch, \$36.95
 - d. 2 inch, \$129.95
 - e. 3 inch, \$293.90

f. 4 inch, \$518.35

2. That sewage treatment charges shall be levied at the rate of \$5.45 per 1,000 gallons of water usage.
3. That sewage treatment charges for all unmetered residential structures shall be charged a flat rate of \$44.55 per month which shall assume a usage of 5,000 gallons of water per month.
4. That hereafter be established a separate charge to customers of the Lapel Municipal Sewer Company which shall hereafter be termed Excessive Surcharge which shall be established as follows:
 - a. Biochemical Oxygen Demand (in excess of 200 milligrams per liter), \$0.53 per pound
 - b. Suspended Solids (in excess of 250 milligrams per liter), \$0.53 per pound
 - c. Ammonia Nitrogen (in excess of 20 milligrams per liter), \$1.00 per pound
 - d. Oil and Grease (in excess of 100 milligrams per liter petroleum and 200 milligrams per liter animal/vegetable) \$1.00 per pound.

Ord 8-1997, passed 8/19/97, Ord 3-2000 passed, 5/11/2000, Ord 10-2005 passed 6/16/05, Ord 1-2009, passed 1/15/09, Ord 01-20014 passed 03/14.

5. The foregoing rates and charges contained in new Sections 1 through 4 of the prior ordinance shall become effective with the billing period of May, 2000, and shall be reflected on the customer bills due and payable in June, 2000.
6. This Ordinance shall be in full force and effect from and after its passage and adoption. Except as hereby amended and revised, the Prior Ordinance shall remain in full force and effect.
- 7...
 - a. Beginning with the calendar month of October 2004 (and to be reflected in November billing) and continuing until the month in which sanitary sewer service is available in the Fishersburg Service Area, pursuant to Indiana Code [36-9-23-27](#), customers in the Fishersburg Service area shall pay a monthly interim rate of \$10.00 to cover interest costs on the indebtedness incurred to bring sanitary sewer service to the Fishersburg Service Area and to pay other expenses incurred by the Town prior to service availability.
 - b. Beginning with the calendar month in which sewer service becomes available to the Fishersburg Service Area (and to be reflected in the billing in the immediately succeeding month), the monthly rate for sewer utility service for customers in the Fisherburg Service Area shall be \$47.85.
Ord 10-2005, Ord 1-2009 passed 1/15/09
 - c. Customers in the Fishersburg Service Area that are not receiving service from the Town's municipal water utility shall be required to make a deposit prior to receiving service from the sewer utility in an amount equal to the estimated average payment due from such customer for a two (2) month period (based upon the rate provided for in Section 7(b) hereof) as provided for an subject to the terms of Indiana Code [36-9-23-28](#).
 - d. The Town reserves the right to discontinue service to any customer in the Fishersburg Service Area who has an unpaid bill of more than sixty (60) days by any lawful means. In the event of any such discontinuance of service, the customer must pay a reconnection fee of \$275 in order to have service restored.
 - e. The Town reserves all other rights and remedies provided for under Indiana law to ensure the timely payment of the monthly rate established in this Section 7 with respect to the Fishersburg Service

Area. Customers in the Fishersburg Service Area shall be subject to a late fee of 10% for unpaid sewer bills in the same manner as other customers of the sewer utility of the Town.

- f. The Clerk-Treasurer is authorized to require a service agreement to be entered into prior to providing service to any property in the Fishersburg Service Area between the Town and the owner of the property to be served establishing the obligations of such owner to:
- i. pay for sewer utility service and
 - ii. comply with any use regulations of the sewer utility of the Town.

This Ordinance shall be in full force and effect from and after its passage and adoption. Except as hereby amended and revised, the Prior Ordinance shall remain in full force and effect.

Ord 9-2004 passed 9/16/2004

JJ). The rights and obligations of the town concerning the issuance of water system bonds under the authority of ordinances adopted prior to the enactment of this code, including Ordinances W1-59, W2-59, and W2-60 are in no way impaired by the adoption of this Code.

Ord 9-1982, 6-1984, 1-1986, 2-1990, 1-1992, 1-1993, 6-1995, 6-1998

SEWER RECONSTRUCTION & REPAIR

In conjunction with the reconstruction and repair of the current sanitary sewer system and the need for future routine maintenance, improvement or elimination of deteriorated sewer pipes, structures and the need to eliminate or reduce extraneous infiltration or inflows, it may be necessary to abandon existing sewer pipes and install, construct, realign or otherwise replace those sewers with new material and structures. The new sewer installation shall include, where applicable, new realigned or rehabilitated service lines for the reconnection of the present user along the sewer routes.

The Town of Lapel Sewer Utility representative shall inspect existing sewer lateral, and the home owner/property owner shall make the lateral accessible for the town inspector. That inspection along with other methods employed by the Town of Lapel shall determine the accessibility of that lateral sewer for the continued use or its removal and replacement by the home owner/land owner with acceptable materials as described and specified in the Town's Sewer Use Ordinance.

The owner shall be notified by the Town when appropriate to disconnect an existing sewer lateral and install the new sewer lateral to the provided connection. This connection shall be completed within 90 days of the notice, so as not to delay the use of the new sewer system or cause any discharge of sanitary waste to disconnected main sanitary sewers or to sewers which may have been converted to other uses.

Should the owner fail to complete the new lateral connection within the 90 day period, then the Town may impose a fine of \$40.00 per day for each and every day that the owner fails to install the new system beyond the

90-day allocated period.

If the owner fails to connect to the new sewer lateral, within the 90-day period after the required notice, the Town shall be required to cap the existing lateral. That the cap of the existing lateral will take place ten (10) days after the expiration of the above reference 90-day period. That the cap will require the disconnection of any existing water service.

That the \$40.00-per-day fine will continue to be imposed against the owner, for each and every day that the owner fails to install the new system beyond the 90-day allocated period.

In addition, the owner shall be required to pay the sewer tap fee, which tap fee schedule is currently in place by ordinance, representing the additional expense to the Town for the cap of the owner's existing sewer lateral. That the cap fee will be in addition to the \$40.00 -per-day fine that is referenced above.

That the purpose of this ordinance is to satisfy the requirement for the completion of the sewer project as dictated by the Indiana Department of Environmental Management in conjunction with the rehabilitation of existing sewer service lines. \

That all terms and condition of Ordinance No.9, 1999, shall remain in full force and effect.

The owner shall notify the Town when the new lateral is ready to be inspected, and the town inspector shall have access to the replaced line for the purpose of inspection, prior to the lateral being covered and/or backfilled, and prior to its connection to the town sewer. Failure to have the owner's new lateral sewer inspected by the Town of Lapel shall be cause for its being uncovered inspected, and recovered at the owner's expense.

Ord. No. 9-1999, passed 10/19/1999. Ord. No. 2-2001, passed 3/15/2001

In conjunction with the construction of the sanitary sewer system in Fishersburg, Madison County, Indiana.

The Town of Lapel Sewer Utility representative shall inspect the newly constructed sewer lateral, and the home owner/property owners shall make the lateral accessible for the town inspector. The sewer later shall be installed with acceptable materials as described and specified in the Town's Sewer Use Ordinance.

The owner shall be notified by the Town when it is appropriate to install the new sewer lateral to the provided connection. This connection shall be completed within 90 days of the notice, so as not to delay the use of the new sewer system.

Should the owner fail to complete the new lateral connection within the 90day period, then the Town may impose a fine of \$40.00 per day for each and every day that the owner fails to install the new system beyond the 90-day allocated period.

The owner shall notify the Town when the new lateral is ready to be inspected, and the town inspector shall have access to the line for the purpose of inspection, prior to the lateral being covered and/or backfilled, and prior to its connection to the town sewer. Failure to have the owner's new lateral sewer inspected by the Town of Lapel shall be cause for its being uncovered, inspected and recovered at the owner's expense. The lateral inspection cost to the Fishersburg homeowner will be \$30.00

(Ord 7-2005, passed 2/3/2005)

KK). Effective Date. This Ordinance shall be in full force and effect immediately following its passage by the Town Council of Lapel, Indiana. This Ordinance supersedes, repeals and replaces Chapter 11 of the Town of Lapel Indian Code of Ordinances (2007) as prepared by the Madison County Council of Government in its entirety.

Further Information

2-2014

Date Passed: 2/21/2014